

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 14th day of December 2006, at 8:00 P.M., and there were

PRESENT:           JOHN ABRAHAM, JR. MEMBER  
  
                          JAMES PERRY, MEMBER  
  
                          RICHARD QUINN, MEMBER  
  
                          ARLIE SCHWAN, MEMBER  
  
                          JEFFREY LEHRBACH, CHAIRMAN

ABSENT:            WILLIAM MARYNIEWSKI, MEMBER  
  
                          ROBERT THILL, MEMBER

ALSO PRESENT:    JOHANNA M. COLEMAN, TOWN CLERK  
  
                          LEONARD CAMPISANO, ASST. BUILDING INSPECTOR  
  
                          JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF BALPER ENTERPRISES:**

THE CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of Balper Enterprises Inc., 367 Linwood Avenue, Buffalo, New York 14209 for one [1] variance for the purpose of constructing a private residence on property located at 28 Saint Anthony Street, Lancaster, New York. The subject property is owned by Ryan Homes New York, located at 1026 Union Road, West Seneca, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(2) and (3) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Saint Anthony Street with an exterior side yard [considered a front yard equivalent] also fronting on Saint Anthony Street. The location of the proposed residence will result in a thirty three point two eight [33.28] foot east exterior side yard set back on Saint Anthony Street.

Chapter 50, Zoning, Section 17A.(2) and (3) of the Code of the Town of Lancaster requires a thirty five [35] foot east exterior side yard set back on Saint Anthony Street. The petitioner, therefore, requests a one point seven two [1.72] foot east exterior side yard set back variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Chad Rush, agent representative  
Ryan Homes  
1026 Union Road  
West Seneca, New York 14224

Proponent

**IN THE MATTER OF THE PETITION OF BALPER ENTERPRISES INC.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. LEHRBACH, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. ABRAHAM  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Balper Enterprises Inc. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 14th day of December 2006, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the duly authorized agent of the owner or purchaser.

**WHEREAS**, the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought; the required front yard set back will not be unappealing if the variance is granted.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. PERRY	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	WAS ABSENT
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

December 14, 2006

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:10 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: December 14, 2006